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1995

BLM, Grand Council at Odds Over Closure of Mining Road

By Rose Fryer
SPECIAL TO THE TRIBUNE

MOAB — The Grand County Council and Bureau of Land Management have come to loggerheads over vehicle access on an 18-mile-long dirt road in the eastern part of the county near the Colorado border.

The dispute began last month after two BLM officers issued a citation to Grand Junction, Colo., resident **Ron Pene** who uses the road for access to some mining claims he operates in the area.

The officers came to his house on a Sunday night, Pene says, and asked him if he had driven on the road that runs across BLM land on Oct. 21.

When Pene answered yes, he was cited for trespass, noncompliance and "unauthorized surface disturbance."

"That's the only public-access road to my mining claims," Pene said Tuesday. "The Colorado BLM put a locked gate on that road in 1985 and gave me a key so I could access my legal claims."

The closure and citation have angered the County Council, which considers the road county Road 950.

Councilman Dale Mosher said the road was created in the late 1800s and is the only access to the remote region of the county.

Councilman Bart Leavitt said the BLM never informed the county of the road's closure. "As far as we know, they closed the road three weeks ago."

Kate Kitchell district manager for the BLM in Moab said the road, or "two-track travel route" as the federal agency refers to it,

was closed to vehicles in 1974. That was reaffirmed in a 1985 update of the area's land-use plan.

"We plan to oppose any attempt to classify this as a road because of the area's wilderness values," Kitchell said.

Some 31,000 acres in the area have been defined as a Wilderness Study Area. The road goes onto an eighth of a mile of the study area.

Pene, who must appear before a federal magistrate in Monticello on Jan. 17, would be permitted to have vehicle access if he filed a plan of operations, something he has failed to do, Kitchell said.

But Pene said he has filed three plans, all of which were rejected because of BLM personnel changes or filing errors.

Karen Budd the Cheyenne, Wyo., attorney who Pene hired to help with the filing, said she did so Sept. 28, 1994.

"We filed the plan of operations under what we felt were the correct statutes. They refused us," Budd said Tuesday. "It's now under appeal to the Interior Board of Land Appeals. We don't expect a decision for another year."

Kitchell maintains that all that's been filed are notices of operation not plans of operation that require more information.

More meetings are planned to settle the dispute.

Pene has been told that he is not barred from the area but must go on foot.

"How am I supposed to walk in there 18 miles over rough road carrying my pumps and concentrator bowls?"

City Attorney In W. Jordan Asked to Quit

THE ASSOCIATED PRESS

WEST JORDAN — City Manager Dan Dahlgren has asked longtime West Jordan City Attorney Steven Homer to resign, citing philosophical differences.

"Steven's perception of his role as city attorney was not the same as mine. There's been some conflict surrounding the difference," Dahlgren said.

He said the City Council agreed Homer should be replaced.

Homer said Tuesday the resignation is "in the mill."

"They have asked me to resign," he said. "They — specifically the city manager — want to pursue things in a different direction."

Homer began his job as city attorney more than 15 years ago. West Jordan had only a few thousand residents when Homer started, and as the city has grown, the job has expanded to include duties "never contemplated when he was first hired," Dahlgren said.

The city will advertise the job through the week. Dahlgren hopes to hire a new attorney before Jan. 1.

USU Falls

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SPECIAL

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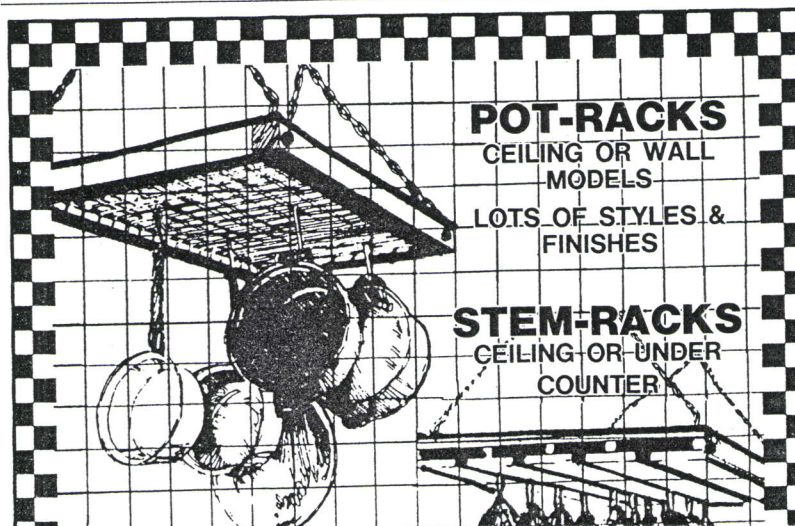
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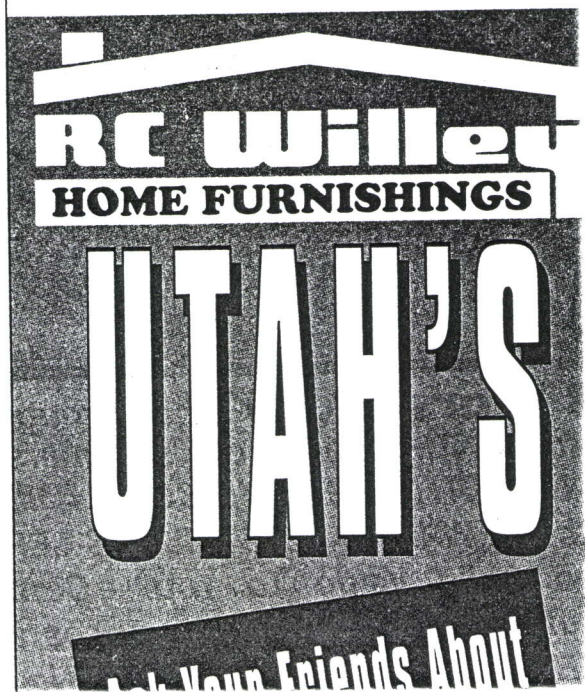
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